

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**BASSAM NABULSI, AND HIS WIFE,
RIMA NABULSI,**

Plaintiffs

V. §

H.H. SHEIKH ISSA BIN ZAYED AL NAHYAN, H.H. SHEIKH NASSER BIN ZAYED AL NAHYAN, H.H. SHEIKH SAIF BIN ZAYED AL NAHYAN, H.H. SHEIKH MOHAMMED BIN ZAYED AL NAHYAN, AND THE PARTNERSHIP OF THE ROYAL FAMILY BIN ZAYED AL NAHYAN,

Defendants.

CIVIL ACTION NO. H-06-2683

**PLAINTIFFS' RESPONSE TO SHEIKH MOHAMMED BIN ZAYED
AL NAHYAN'S OBJECTION AND MOTION TO EXCLUDE THE
AFFIDAVIT OF PLAINTIFF BASSAM NABULSI**

TO THE HONORABLE JUDGE SIM LAKE:

Plaintiffs present the following Response to Defendant H.H. Sheikh Mohammed Bin Zayed Al Nahyan's Objection to and Motion to Exclude the Affidavit of Plaintiff Bassam Nabulsi. In support of this Response, Plaintiffs would respectfully show this Court the following:

L.

BRIEF SUMMARY

Plaintiffs attached the affidavit of Bassam Nabulsi to their recent Responses to Defendant H.H. Sheikh Mohammed Bin Zayed Al Nahyan’s (“Sheikh Mohammed”) Motions to Dismiss for Lack of Personal and Subject Matter Jurisdiction, and Motion for Leave to Conduct Jurisdictional Discovery. Sheikh Mohammed has objected to selected portions of the affidavit, but moved to exclude the affidavit in its entirety. For the reasons set forth below the objections alleged by Sheikh

Mohammed should be overruled and the affidavit should be considered as a part of Plaintiffs' responses to the 12(b) motions to dismiss for lack of personal jurisdiction and lack of subject matter jurisdiction and the request for jurisdictional discovery.

II.

ARGUMENT

The affidavit of Bassam Nabulsi should not be excluded because it demonstrates that he has personal knowledge. FED. R. EVID. 602. Mr. Nabulsi's affidavit states in the first paragraph that “[he] [has] personal knowledge of the facts stated in [his] affidavit and the factual information provided in Plaintiffs' Motion for Leave to Conduct Jurisdictional Discovery.” Mr. Nabulsi's affidavit specifically describes the factual basis that supports the testimony provided in his affidavit. Mr. Nabulsi specifically describes his prior business relationship with Defendant H.H. Sheikh Issa Bin Zayed Al Nahyan, provides the powers of attorney that support this prior relationship, and states that his knowledge about certain contacts Defendant H.H. Sheikh Mohammed Bin Zayed Al Nahyan has with the United States is based on information he learned about, and is aware of, based on his relationship with Defendant H.H. Sheikh Issa Bin Zayed Al Nahyan and the royal family.

Moreover, the hearsay objection raised by Sheikh Mohammed is also misplaced. Mr. Nabulsi's affidavit does not recite any hearsay statements; instead, he merely comments on what his understanding of the information is and puts it into context. Finally, Mr. Nabulsi's testimony about the reasonable beliefs he formed in connection with Sheikh Mohammed knowledge about his false arrest, search, detainment, prosecution, incarceration, and torture are statements of opinion that are rationally based on the perceptions of the witness and are helpful to provide a clear understanding of the witness's testimony and a determination of a fact in issue. FED. R. EVID. 701. This type of opinion testimony is permissible from a lay witness under Rule 701. FED. R. EVID. 701. For these

reasons, the objections asserted by Sheikh Mohammed should be overruled and the affidavit of Mr. Nabulsi should not be excluded.

III.

CONCLUSION AND PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully pray that this Court permit jurisdictional discovery to be conducted and for all other relief this Court deems proper.

Respectfully submitted,

ROBERT D. GREEN & ASSOCIATES, P.C.



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- and -

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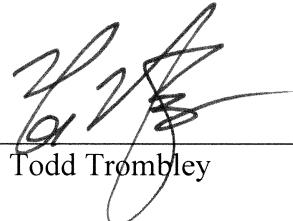
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all counsel of record or party via hand delivery, electronic transmission, certified mail, return receipt requested or telecopier, in accordance with the Federal Rules of Civil Procedure on this 2nd day of July, 2007, as follows:

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J. Todd Trumbley